

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SUSAN A. HOBEN and JOHN HOBEN,

Plaintiffs,

v.

Case Number 12-10773
Honorable David M. Lawson

UNITED STATES OF AMERICA, U.S.
DEPARTMENT OF HOMELAND SECURITY,
and THE UNITED STATES COAST GUARD,

Defendants.

ORDER DENYING MOTION TO DISMISS

On April 23, 2012, the defendants filed a motion to dismiss the plaintiffs' complaint. In this district, movants must seek concurrence in the relief requested before filing a motion or request with this Court. E.D. Mich. LR 7.1(a). If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that "there was a conference between the attorneys . . . in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought [] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference." E.D. Mich. LR 7.1(a)(2).

The defendants do not state in their motion that concurrence was sought from the plaintiffs before filing the motion. "It is not up to the Court to expend its energies when the parties have not sufficiently expended their own." *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). The defendants have filed their motion in violation of the applicable rules.

Accordingly, it is **ORDERED** that the defendants' motion to dismiss [dkt. #7] is **DENIED**
WITHOUT PREJUDICE.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: May 4, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 4, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL